

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 22-00087-01

VERSUS

JUDGE S. MAURICE HICKS, JR.

MICHAEL J. BANIEL

MAGISTRATE JUDGE HORNSBY

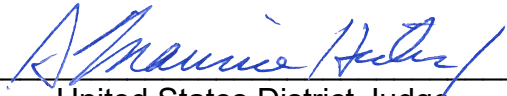
ORDER

Before the Court are two motions filed *pro se* by Michael J. Baniel (“Baniel”). The first motion is entitled “Motion for New Trial Based on Newly Discovered/Previously Suppressed Evidence and Request for Evidentiary Hearing.” See Record Document 81. The Government responded to the motion, submitting that a motion for new trial is not available to Baniel because he pleaded guilty. See Record Document 84. The Government cited to numerous cases in support of its position. See id., citing United States v. Malkiewicz, 105 F.3d 655 (5th Cir. 1996); United States v. Hester, 202 F.3d 266 (5th Cir. 1999); United States v. Daughtry, 2024 WL 21011622 (E.D.Tex. April 11, 2024); United States v. Wilson, 2011 WL 1790514 (W.D.La. May 10, 2011). Seemingly in response, Baniel filed a “Motion to Treat Motion for New Trial as a Motion to Vacate.” See Record Document 85. Baniel asks the Court to construe his motion as a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255.

Based on the foregoing, the Court **GRANTS** the “Motion to Treat Motion for New Trial as a Motion to Vacate” (Record Document 85) and Baniel’s first motion (Record Document 81) is hereby recharacterized as a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. The Government shall respond to Baniel’s Section 2255 motion within sixty (60) days of the date of this order.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 13th day of January, 2026.



United States District Judge